

RANDY CHANG, ESQ (SBN 237618)
ATTORNEY AT LAW
7755 CENTER AVE, SUITE 1100
HUNTINGTON BEACH, CA 92647
(818) 599-8095
Fax (818) 904-1042
Randyc@thechangfirm.com

Attorney for Debtor

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
ORANGE

In re:

) Chapter 7

) Case No. **8:24-bk-12120-TA**

Kelly Pham

) Kelly Pham MOTION TO VACATE
) DISMISSAL AND REINSTATE
) BANKRUPTCY TO FILE CERTIFICATE OF
) DEBTOR EDUCATION

Debtor

) Date: February 11, 2025
) Time: 10:30 am
) Location: Zoom – Courtroom 5B, 5th Floor

TO THE COURT, ALL PARTIES AND THEIR ATTORNEY OF RECORD:

Movant moves for vacate of dismissal and to reinstate the bankruptcy pursuant to **LBR 1017-2(C) (1)** for failure to timely file a required document. Debtor completed the second course before the due date to file but for the failure to timely file a required document was a result of excusable neglect, mistake or surprise.

FAILURE TO TIMELY FILE A REQUIRED DOCUMENT WAS A RESULT OF

EXCUSABLE NEGLIGENCE, MISTAKE OR SURPRISE

1 The Debtor completed her 2nd course on September 9, 2024. See Attachment A.
2 However, due to miscommunication between the course provider and undersigned counsel, the
3 certificate was not filed with the court. The miscommunication was due to that undersigned
4 believed that the provider would be filing the certificate. See Declaration of Randy Chang.

5 Upon learning on all true reason for the dismissal, the undersigned counsel filed this
6 motion and request relief from dismissal and reinstate the bankruptcy so debtor can file the
7 certificate of financial course and receive discharge.
8

9
10 January 8, 2025

11 /s/ Randy Chang

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RANDY CHANG, ESQ

13 Attorney for Debtor

14 (SBN 237618)
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DECLARATION OF RANDY CHANG

1. I am an attorney at law duly licensed to practice in the above referenced Court plus all the California state courts. I am the attorney of record for debtor in the above entitled case. I have personal knowledge of the following facts, and, if called to testify, I could and would competently testify thereto

2. I have been filing bankruptcy cases for over 10 years and usually have no issues with my filings. In this case, I assumed that the course provider would file the certificate of debtor education as other providers have done so. This was an incorrect assumption but made in good faith.

3. Debtor completed the course on September 9, 2024 – see attachment A

4. I then learned that the dismissal was due to non-filing of the certificate of debtor education and filed this motion at my earliest opportunity as I was out of the country during the pertinent time and out of town for other reasons due to the holidays.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 8, 2025 at Huntington Beach, California

/s/ Randy Chang

Randy Chang, Esq

ATTACHMENT A

MOTION TO VACATE DISMISSAL

Certificate Number: 14912-CAC-DE-038844228

Bankruptcy Case Number: 24-12120



CERTIFICATE OF DEBTOR EDUCATION

I CERTIFY that on September 8, 2024, at 4:09 o'clock PM EDT, Kelly Pham completed a course on personal financial management given by internet by 001 Debtoredu LLC, a provider approved pursuant to 11 U.S.C. 111 to provide an instructional course concerning personal financial management in the Central District of California.

Date: September 9, 2024 By: /s/Jai Bhatt

Name: Jai Bhatt

Title: Counselor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
7755 Center Ave., Ste 1100 Huntington Beach, CA 92647

A true and correct copy of the foregoing document entitled (*specify*):
Kelly Pham MOTION TO VACATE DISMISSAL AND REINSTATE BANKRUPTCY TO FILE CERTIFICATE OF
DEBTOR EDUCATION; SUPPLEMENTAL NOTICE OF HEARING TO BE HELD REMOTELY USING ZOOMGOV
AUDIO AND VIDEO

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 01/08/2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Richard A Marshack (TR) pkraus@marshackhays.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

01/08/2025 Randy Chang _____ /s/ Randy Chang
Date Printed Name Signature